

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATHEW TYLER,

Plaintiff,

v.

118th U.S. CONGRESS, et al.,

Defendants.

No. 2:25-cv-0404 DAD AC PS

ORDER

On January 30, 2025, plaintiff filed this action in pro se and paid the filing fee. ECF No. 1. The case was accordingly referred to a magistrate judge pursuant to Local Rule 302(c)(21). The case was initially assigned to Magistrate Judge Dennis M. Cota but was re-assigned to the undersigned after Judge Cota recused himself. ECF No. 36. There are several motions pending: plaintiff's motion for summary judgment (ECF No. 10); the New Hampshire defendants' motions to dismiss (ECF No. 15 (duplicate filed at ECF No. 11)); plaintiff's motion to strike government representation (ECF No. 19); plaintiff's objection to removal of any defendants (ECF No. 20); plaintiff's motion to establish pattern (ECF No. 21); defendant Utah defendants' amended motion to dismiss for lack of jurisdiction (ECF No. 23 (original at ECF No. 18)); plaintiff's motion to establish jurisdiction (ECF No. 28); plaintiff's motion to disqualify Judge Cota (ECF No. 29); plaintiff's motion to delay trial (ECF No. 30); plaintiff's motion to provide supplemental evidence (ECF No. 31); and the California defendants' motion to dismiss (ECF No. 33). Plaintiff

1 filed a First Amended Complaint on May 12, 2025 (ECF No. 35) and Judge Cota recused himself  
2 on May 19, 2025 (ECF No. 36).

3 First, plaintiff's First Amended Complaint was filed late and without the court's  
4 permission and is therefore rejected. Federal Rule of Civil Procedure 15 allows a plaintiff to  
5 amend a pleading as a matter of course 21 days after serving it, or, in relevant part, 21 days after  
6 service of a motion under Rule 12(b). Fed. R. Civ. P. 15(a)(1). Otherwise, a plaintiff may amend  
7 *only* with the opposing party's written consent or with leave of court. Fed. R. Civ. P. 15(a)(2).  
8 Defendant New Hampshire DOJ filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on  
9 March 17, 2025. ECF No. 11. Plaintiff filed his First Amended Complaint 56 days later, on May  
10 12, 2025. ECF No. 35. The parties had not stipulated to amendment, and plaintiff did not seek  
11 leave of court. Accordingly, the First Amended Complaint (ECF No. 35) is STRICKEN as  
12 improperly filed and the initial complaint (ECF No. 1) remains operative.

13 Second, plaintiff's motion for summary judgment (ECF No. 10), which was filed before  
14 any scheduling conference or discovery, is premature. It is accordingly STRICKEN.

15 Third, plaintiff's motion to prevent the government from defending itself (ECF No. 19) is  
16 DENIED as frivolous and non-cognizable. Plaintiff sued multiple government entities and there  
17 is no legal basis for the court to prevent these entities from defending themselves in this case.

18 Fourth, plaintiff's motion to prevent removal of any defendants from this action and/or  
19 from any RICO based claims (ECF No. 20) is DENIED as frivolous and non-cognizable. There is  
20 no apparent basis in law for this motion.

21 Fifth, plaintiff's motions related to disqualifying Magistrate Judge Cota (ECF Nos. 28, 29)  
22 are DENIED as moot in light of Judge Cota's recusal in this case.

23 Sixth, plaintiff's motions to delay trial (ECF No. 30) and to introduce special evidence  
24 (ECF No. 31) are DENIED as frivolous and non-cognizable. The motion to delay trial appears to  
25 be argument on the merits of plaintiff's case and presents no basis for relief. The motion to  
26 introduce special evidence seeks to submit a CD containing video footage of an NBC News  
27 broadcast about the 2024 presidential election, and documentation confirming that Senator Bernie  
28 Sanders' office received plaintiff's criminal complaint. ECF No. 31 at 2-3. Discovery in this

1 case has not yet commenced, and there is no basis for plaintiff to submit this evidence to the  
2 court. Neither of these motions presents any legal basis for relief.


3 Finally, still pending are the New Hampshire defendants' motion to dismiss (ECF No. 15  
4 (duplicative filing at ECF No. 11), the Utah defendants' motion to dismiss for lack of jurisdiction  
5 (ECF No. 23 (prior version filed at ECF No. 18), and the California defendants' motion to dismiss  
6 (ECF No. 33). Each of these pending motions shall be heard on the papers without oral argument  
7 on June 18, 2025. Plaintiff shall file responsive briefing no later than June 4, 2025. Reply briefs  
8 are due June 11, 2025.

9 To summarize, the court ORDERS as follows:

- 10 1. The Amended Complaint (ECF No. 35) is STRICKEN as improperly filed;
- 11 2. Plaintiff's motion for summary judgment (ECF No. 10) is STRICKEN as  
12 premature;
- 13 3. Plaintiff's various motions for miscellaneous relief (ECF Nos. 19, 20, 30, 31) are  
14 DENIED as frivolous and non-cognizable;
- 15 4. Plaintiff's motions related to Judge Cota's recusal (ECF Nos. 28, 29) are DENIED  
16 as moot;
- 17 5. The motions to dismiss which have been replaced by subsequent motions to  
18 dismiss (ECF Nos. 11 and 18) are VACATED as duplicative; and
- 19 6. Defendants' remaining motions to dismiss (ECF Nos. 15, 23, and 33) will be heard  
20 on the papers on June 18, 2025. Plaintiff's responsive briefing is due on June 4,  
21 2025. Reply briefs are due June 11, 2025.

22 IT IS SO ORDERED.

23 DATED: May 19, 2025

24   
25 ALLISON CLAIRE  
26 UNITED STATES MAGISTRATE JUDGE  
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